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10 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF NEVADA

11 In re:

12 USA COMMERCIAL MORTGAGE
 COMPANY,

13 USA CAPITAL REALTY ADVISORS,
 LLC,

14 USA CAPITAL DIVERSIFIED TRUST
 DEED FUND, LLC,

15 USA CAPITAL FIRST TRUST DEED
 FUND, LLC,

16 USA SECURITIES, LLC, Debtors.

17 **Affects:**

18 All Debtors
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
 BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING
 CHICAGO TITLE INSURANCE
 COMPANY TO PRODUCE
 DOCUMENTS AND ONE OR MORE
 REPRESENTATIVES FOR
 EXAMINATION PURSUANT TO
 FEDERAL RULE OF
 BANKRUPTCY PROCEDURE 2004**

[No hearing required]

22 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating
 23 Trust (the “Trust” or “Movant”) hereby moves this Court for an order requiring Chicago
 24 Title Insurance Company (“Chicago Title”) to produce documents and one or more
 25 representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy
 26

1 Procedure 9016, to appear for examination at the office of Esquire Deposition Services,
2 311 West Monroe Street, Suite 1200, Chicago, Illinois 60606, on a business day no earlier
3 than ten (10) business days after the filing of this Motion and no later than July 15, 2007,
4 or at such other mutually agreeable location, date, and time, and continuing from day to
5 day thereafter until completed.

6
7 This Motion is further explained in the following Memorandum.

8
9 **Memorandum**

10 The Trust seeks information concerning various transactions between Chicago Title
11 and USACM, the other debtors in the above-captioned cases (together with USACM, the
12 “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related entities.
13 Chicago Title is one of several title companies that participated in the documents of loan
14 transactions between the Debtors and their borrowers. The Trust seeks this information
15 from the title companies to assist in the collection of the assets and the investigation of the
16 liabilities of the Debtors.

17
18 In particular, the Trust will seek the following categories of documents from
19 Chicago Title and other title companies:

20

- 21 • Closing statements from transactions in which Debtors participated;
- 22 • Purchase contracts, amendments, and assignments from these transactions;
- 23 • Deeds of trust from these transactions;
- 24 • Documents identifying other escrows relating to the properties at issue;
- 25 • Title policies issued in connection with the closing of the transactions in
which Debtors participated.

The requested discovery from Chicago Title is within the scope of examination permitted under Bankruptcy Rule 2004, which includes:

[t]he acts, conduct, or property or . . . the liabilities and financial condition of the debtor, or . . . any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. In a . . . reorganization case under chapter 11 of the Code, . . . the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.

Conclusion

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: May 25, 2007.

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¹ FED.R. BANKR. P. 2004(b).